IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 4135 of 2006

CMP.2404/2006 of J.M.F.C., ADOOR
(CRIME NO.199/2006 OF PANDALAM POLICE STATION)

.....

PETITIONER/ACCUSED

RAJU, S/O. YOHANNAN,
MUTTATHU HOUSE, PATTUR MURI,
NOORANAD VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PANDALAM POLICE STATION.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4135/2006

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

The petitioner approached this Court, under Section 438 Cr.P.C., for a pre-arrest order. It was rejected. However, he was directed to surrender before the Court below. Accordingly, on 26.6.2006, the petitioner surrendered before the Magistrate Court and he was remanded. The allegation is that the petitioner had kept thirty three liters of arrack in his house, for sale. On prior information, Pandalam Police raided the house and seized the contraband. Crime No.199/2006 was registered thereafter.

2. Though the petitioner had surrendered before the Court below, the Investigating Officer had not sought for the police custody of the petitioner. It only reveal that the Investigating Officer do not require the petitioner for further interrogation. Even after filing this application and supplying the instructions, the investigating officer

had not sought for the police custody, so as to interrogate the petitioner. In such situation, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Adoor.

(b). The petitioner shall report before the Investigating Officer, once in a week, on every Monday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 17.7.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs